

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

KENNETH J. HUTCHISON,

Plaintiff,

vs.

CORE HEALTH & FITNESS, LLC,

Defendant.

Civil Action No. 3:21-cv-05045

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1332(a)**

Clark County Superior Court
No. 20-2-02049-06

TO: THE CLERK OF THE COURT

AND TO: MICHAEL DUFOUR, ATTORNEY FOR PLAINTIFF

PLEASE TAKE NOTICE that Defendant CORE Health & Fitness, LLC (“Defendant”) hereby gives notice of the removal of the above-captioned action, Washington State Superior Court for Clark County Case No. 20-2-02049-06, to the United States District Court for the Western District of Washington at Tacoma, on the grounds set forth herein.

INTRADISTRICT ASSIGNMENT PURSUANT TO LCR 3(e)

1. Pursuant to 28 U.S.C. 1441 (a), “any civil action brought in State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant to the district court of the United States for the district and division embracing the place where such action is pending.” This action was pending in Washington State Superior Court for Clark County. Accordingly, under 28 U.S.C. 1441(a) and Local Court Rule 3(e),

1 removal is proper to the United States District Court for the Western District of Washington at
2 Seattle, because that district and division embrace King County.

3 2. As alleged in Plaintiff's Complaint, and upon information and belief, Plaintiff is
4 and was at all relevant times a citizen of the State of Texas within Ft. Bend County, Texas.
5 Plaintiff's Complaint at ¶2.1. True and accurate copies of Plaintiff's Summons and Complaint
6 are attached hereto as **Exhibit 1** and **Exhibit 2**.

7 3. Defendant CORE is and was at all relevant times a Nevada corporation having its
8 headquarters in Vancouver, Washington.

9 7. Therefore, venue is appropriate in the United States District Court for the Western
10 District of Washington at Tacoma.

11 **OTHER GROUNDS FOR REMOVAL**

12 8. This action may be removed under 28 U.S.C. 1441 as one in which there
13 is original jurisdiction under 28 U.S.C. 1332 based upon diversity of citizenship because it is
14 between citizens of different states and the amount in controversy exceeds \$75,000 exclusive of
15 interest and costs. At issue in this litigation is Plaintiff's alleged personal injury claim resulting
16 from an alleged traumatic amputation of Plaintiff's right index finger on November 7, 2018.
17 Plaintiff's Complaint at ¶4.1. Plaintiff alleges the traumatic amputation resulted from acts or
18 omissions of answering Defendant, which Defendant denies. Given this information and
19 Plaintiffs' allegations, Defendant has a good faith belief that the amount in controversy exceeds
20 \$75,000.

21 9. Removal is timely under 28 U.S.C. 1446 (b) because it is within 30 days of
22 Service of the Summons and Complaint.

23 10. The Summons and operative Complaint from the state court action are provided
24 hereto as a separate attachment.

25 11. Notice of this removal will be filed with the Clerk of the Clark County Superior
26 Court, Cause No. 20-2-02049-06 and will be given to all other parties, in accordance with 28
27 U.S.C. § 1446(d).

12. Pursuant to LCR 101(b), all additional records and proceedings in the state court action, together with Defendant's verification that the records are true and complete copies of all the records and proceedings in the state court proceeding, will be filed with the Clerk of Court within 14 days of the date of this filing.

WHEREFORE, Defendant CORE Health & Fitness, LLC gives notice that the court action pending against it in Washington State Superior Court for Clark County has been removed from that court to the United States District Court for the Western District of Washington at Tacoma.

DATED this 15th day of January, 2021 LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Rachel Tallon Reynolds

/s/ Patrick G. Lynch

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Attorneys for Core Health & Fitness, LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 15, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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Attorney for Plaintiff

Signed at Seattle, Washington this 15th day of January, 2021.

/s/ Elizabeth Pina

Elizabeth Pina, Legal Assistant

Email: Elizabeth.pina@blewisbrisbois.com